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April 7, 2006

MEMO ENDORSED**BY HAND**

Hon. Lewis A. Kaplan
United States District Judge
United States District Court
Southern District of New York
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street, Room 1310
New York, New York 10007

**Re: Paula Kritzman vs. American Express Retirement Plan,
American Express Company, American Express Employee
Benefits Administration Committee, Civil Action No. 06-CV-0233**

Dear Judge Kaplan:

We are the Liaison Counsel for the Plaintiff in the above-captioned action.

Pursuant to Your Honor's Individual Practices, we reviewed the Court's Order of Dismissal on the ECF System, filed on April 6, 2006. By means of this letter application, Plaintiff Kritzman is hereby requesting the court's reconsideration of the aforesaid Order of Dismissal due to an apparent ministerial error within the court system.

As the Court's records indicate, the Defendants filed a motion to dismiss on March 14, 2006. Shortly thereafter, counsel for all parties discussed a briefing schedule for the aforesaid motion, and an agreed Stipulation And [Proposed] Order was prepared, executed and transmitted to Your Honor's Chambers, as well as to the Orders and Judgment Clerk of the Southern District of New York.

It appears that Your Honor did not receive the aforesaid Stipulation And [Proposed] Order providing for a briefing schedule regarding Defendants' motion. However, we have confirmed that Your Honor's original of the document was received by the U.S. Marshals Office of the Southern District of New York at 6:30 P.M. on March 23, 2006. Moreover, we have confirmed that a PDF version of said Stipulation And [Proposed] Order was filed by means of the ECF System with the Orders and Judgment Clerk of the Southern District of New York at 5:08 P.M. on March 23, 2006, and that said document was received by the Clerk's Office. Accordingly, it appears that the Court's non-receipt of this Stipulation And [Proposed] Order was due to a ministerial error within the court system.

Thus, Plaintiff hereby respectfully requests that the Order of Dismissal, filed on April 6, 2006, be withdrawn, and in lieu thereof, Plaintiff requests that the Stipulation And [Proposed] Order, dated March 23, 2006, be entered by this Court.

In order to assist the Court's consideration of this request, we are submitting a duplicate original of the Stipulation And [Proposed] Order, dated March 23, 2006, as well as a copy of the previous Stipulation And [Proposed] Order transmitted to the Court. In addition, we are again transmitting the Stipulation And [Proposed] Order in PDF format to the Orders and Judgment Clerk of the Southern District of New York. We greatly appreciate the Court's consideration of Plaintiff's application.

Please contact me if the Court requires any additional information or submissions with regard to this matter.

Respectfully submitted,



Curtis V. Trinko

CVT/jg

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Granted

MEMO ENDORSED

SO ORDERED

LEWIS A. KAPLAN, USNJ

4/10/06